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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NO. 4-14-70065
)	
)	STIPULATION AND PROPOSED ORDER TO
v.)	RESET HEARING
)	
RAFAEL LAMONT DAVIS, JR.,)	
)	
Defendant.)	
_____)	

This case is currently set for preliminary hearing or arraignment on February 20, 2014 at 9:30 a.m. before this Court. The parties jointly request that the status hearing be vacated and reset for Wednesday, February 26, 2014 at 9:30 a.m. before this Court for arraignment on indictment.

The government anticipates that if an indictment is returned on February 20, 2014, that it would not be returned until after the completion of the Court's morning calendar. Therefore, rather than requesting a special setting for arraignment on the indictment tomorrow, the parties request that the matter be reset to February 26, 2014.

Defendant initially appeared in this case on February 3, 2014. Defendant is in custody pending trial. Defendant waived time for preliminary hearing under Federal Rule of Criminal Procedure 5.1 from February 12, 2014, through February 20, 2014. Therefore, nine of the fourteen days have elapsed on the deadline for preliminary hearing or arraignment following initial appearance. Due to the time waiver, February 26, 2014, will be the fourteenth day of non-waived time under Rule 5.1 after arraignment on the Complaint. Therefore, the parties represent that there are no timing issues as far as resetting this as the date for preliminary hearing or arraignment to February 26, 2014, and to the extent that there may be timing issues, the defendant waives time under Rule 5.1 through February 26, 2014.

DATED: February 19, 2014


Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/ Brigid Martin
BRIGID S. MARTIN
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/s/ Adam Pennella
ADAM PENNELLA
Counsel for Mr. Davis

IT IS SO ORDERED. The hearing date set for February 20, 2014, for defendant DAVIS is hereby VACATED and the matter is RESET for status or arraignment on February 26, 2014, at 9:30 a.m., before this Court.


HON. KANDIS A. WESTMORE
United States Magistrate Judge

DATED: 02/19, 2014